

Retaliation by management



**Manuel L.
Peralta Jr.**

This morning I received an Initial Heat Injury Report (nalc.org/workplace-issues/body/Heat-Injury-Initial-Report-Form.pdf) describing the circumstances suffered by one of our letter carriers in New Hampshire. The report suggested that he called his supervisor from the street because he was suffering from the heat. During the initial call, he advised that he was feeling lightheaded and sweating profusely, but that he would continue to the next delivery, which was at an air-conditioned business, and would then update his supervisor.

He called his supervisor 12 minutes later and advised that he was feeling worse, describing “palpitations.” The supervisor should have directed the employee to immediately call 911, or the supervisor should have immediately called 911 on behalf of the suffering employee and then directed responders to the employee’s location. I say “should have,” because, instead of following the protocol in the USPS national Heat Illness Prevention Program (HIPP) training, the supervisor told the employee to remain where he was so that the supervisor could go out and assess him.

This decision by the supervisor delayed medical attention and could have been fatal. The supervisor failed to adhere to the national instructions given in the 2025 HIPP training, which includes a nine-page document titled “FY25 Heat Illness Prevention Program Final” (nalc.org/workplace-issues/safety-and-health/body/FY25-Heat-Illness-Prevention-Program-Final.pdf), providing the following instruction on page 2:

The following Figure is intended to provide specific first aid measures for each condition and should not be implied to reflect any progression in severity. **Employees working away from a Postal Service facility should immediately call 911 and then their supervisor, if able, when they experience signs or symptoms of heat stress, as referenced in Figure 2 below.** (emphasis added)

Had the supervisor undergone the training that we should all have received, and then followed it, I would not be addressing this in my column.

In the last 13 years, the NALC has been actively involved in every aspect of dealing with management’s failure to properly train letter carriers on how to keep themselves as safe as possible in the heat. We have worked just as hard at challenging management over the fact that they have failed to properly train every single one of the supervisors who oversee our craft. Why? Because if they are not properly trained, they don’t know what they should do when our letter carriers reach out for help.

In June of 2016, Central Iowa was under a National Weather Service heat warning. A number of our letter carriers suffered heat-related injuries. The Occupational Safety and Health Administration (OSHA) conducted an inspection and then issued a citation to the USPS.

An employer has the right to challenge an OSHA citation by contesting the citation through the Occupational Safety and Health Review Commission (OSHRC). The OSHRC assigns a judge to oversee a hearing, with OSHA being represented by a solicitor for the Department of Labor and the USPS represented by its attorneys. After all evidence is presented at the hearing, the parties generally summarize their thoughts through closing briefs. The judge then weighs the evidence and issues a written decision. Either party has the right to appeal the decision of the judge by requesting a review by the board of the OSHRC. The board convenes a hearing and the appeal is heard. The board then issues a decision on the subject of the appeal.

The USPS challenged the Des Moines, IA, citation, along with several other heat-related citations throughout the country. In a consolidated decision, the judge overturned all five citations. Subsequently, the Des Moines citation was appealed and heard by the board of the OSHRC. By a decision dated Feb. 13, 2023, the board’s decision revived a portion of the original Des Moines citation (Docket# 16-1813), finding as follows:

The supervisor testified that she had never been trained by the Postal Service on heat-related illnesses prior to this incident, apart from sometimes receiving emails with heat safety information and seeing a heat safety poster in the breakroom. She said that “[a]ll the safety talks were performed in the morning before [she] reported to work.” According to the supervisor, her lack of training directly affected the way she responded to the carrier’s complaints: “Due to not being correctly educated on heat exposure, I wasn’t aware of how it was affecting her.” None of this testimony was rebutted by the Postal Service.

We agree with the judge that this evidence supports the Secretary’s argument that the Postal Service’s training at the Des Moines station was deficient and that adequately

training supervisors on heat safety would have materially reduced the risk posed by excessive heat to the carriers at the station...

...Given that the Postal Service instructs carriers to contact their supervisors whenever they experience heat stress symptoms, **providing this training to supervisors is critical to ensuring that they can identify when a carrier is in crisis and respond appropriately.** And the feasibility of providing such training is demonstrated by the fact that a heat-related safety talk was given to Des Moines employees in May 2016, and the supervisor who lacked training was required to attend a mandatory heat safety training shortly after the incident in early July 2016. (emphasis added)

The decision concluded as follows:

In sum, the evidence shows that an excessive heat hazard was present at the worksite and that the Postal Service could have feasibly and materially reduced that hazard by ensuring that all employees, including supervisors and CCAs, were trained on heat safety. We therefore vacate the judge's decision and remand for the judge to address the remaining issues in this case, including the other elements of the alleged general duty clause violation.

Following the remand by the OSHRC, the parties, consisting of the secretary of labor, the USPS and the NALC, entered into a settlement agreement recognizing the outcome as a serious violation of OSHA regulations, requiring the USPS to withdraw its challenge to the citation, comply with specific requirements and pay a reduced fine. A copy of the above findings and the settlement can be retrieved at nalc.org in the "Safety – Extreme Weather" section.

Whenever your carriers experience a heat injury that prompts them to call management for help, we need to find out if management acted properly and promptly. Did management immediately arrange for medical attention, or did they fail to act in accordance with the HIPPP?

We should therefore explore whether or not the USPS has made sure that each and every one of our supervisors are properly trained so that they act properly (OK, I'm dreaming) and take care of the city letter carriers who perform their duties in the extreme heat.

The above account is enough to upset any of us by not having provided immediate care to the carrier making the distress call.

But wait, there's more—It didn't end there.

The following morning, the carrier was hauled into a pre-disciplinary interview (PDI), which appears to be seeking a way to blame the employee for having the audacity of suffering a heat injury.

As the lamp swings over the employee's head, he is asked if he is aware of the signs and symptoms of heat-related illness. He is asked a series of questions designed to show that management has a HIPPP in place and that everyone should know the signs and symptoms of heat illness.

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He was asked if he had worked in the heat before, what he ate on the day of the injury, how many bottles of hydration he had consumed and what kind, how he prepared for the expected heat of the day, where he parked and why.

The questioners also asked why he failed to follow instructions and many other insulting questions.

There was no justification for management to conduct a PDI, except for their effort to blame the employee and take no responsibility for their failure to immediately get off their ass on the first call (12:02 p.m.) and go check on this employee. His supervisor took 41 minutes to go out to check on him. He could have died. The USPS would then have staged a public relations representative to tell the media that the deceased was properly trained but did not follow instructions, as it has done in the past.

I have recommended that the employee file an OSHA whistleblower complaint and that the union investigate the misconduct of these managers. A whistleblower complaint can be filed at whistleblowers.gov/complaint_page.

Management professes that safety depends on you. I say that they do so because we cannot depend on them.

Keep an eye on each other and make sure that your supervisors know what they should be doing when they receive that distress call.